

5/8/95

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

#29

In re Farmitalia Carlo Erba S.r.l.
Request for Patent Term Extension
U.S. Patent No. 4,219,478

:
: ORDER GRANTING
: INTERIM EXTENSION
:
:

Farmitalia Carlo Erba S.r.l., the owner of record in the Patent and Trademark Office (PTO), of U.S. Patent No. 4,219,478 which claims the approved product "MYCOBUTIN" filed an application for patent term extension under 35 U.S.C. 156 on February 11, 1993. An extension of 1,406 days is requested in accordance with the limitation of 35 U.S.C. 156(c). The original term of the patent was set to expire on April 25, 1995. Applicant requests an interim extension of the term of the patent for a period of one year.

The initial PTO review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. 156. A final determination of the length of the extension of the patent term and issuance of a patent term extension certificate cannot be made until a final determination of the length of the regulatory review period is made. Since the original term of the patent will expire before a certificate of patent term extension can be issued, an interim extension of the patent term is appropriate.

An interim extension under 35 U.S.C. 156(e)(2) of the term of U.S. Patent No. 4,219,478 is granted for a period of one year from the original expiration date of the patent.

MAY - 2 1995

Date



Bruce A. Lehman
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY - 8 1995

Mark P. Levy
Thompson, Hine & Flory
2000 Courthouse Plaza, N.E.
P.O. Box 8801
Dayton, OH 45401-8801

Dear Mr. Levy:

Enclosed is a copy of an order granting an interim extension under 35 U.S.C. 156(e)(2) of the term of U.S. Patent No. 4,219,478 for a period of one year from the original expiration date of the patent. An appropriate notice will be published in the Official Gazette.

Gerald A. Dost
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

(703) 305-9285

cc: Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs (HFY-20)
Food and Drug Administration
5600 Fisher's Lane, Room 11-44
Rockville, MD 20857

Bruce A. Lehman
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks